

Minutes of a meeting of the  
Sutton Development Review Board  
and  
Sutton Planning Commission  
November 17, 2016  
Location: Sutton Town Offices

In attendance: Paul Brouha, Darlene Ahrens, Lucien Belanger, Brandon Mazur (Sutton DRB); Kurt Nygren

Brandon read the warning of the hearing as published in the *Caledonian-Record* and in several locations throughout town as required by law.

There were no additions or deletions to the proposed agenda.

Brandon read the minutes of the last DRB meeting on May 11, 2016

The minutes were accepted without exception as written and read.

In the matter of Kurt's proposed subdivision there were no ex parte communications or conflicts of interest divulged.

Kurt was sworn in. There were no interested persons present.

Kurt Nygren is proposing to subdivide his property at 347 & 383 Nygren Road (Tax Parcel ID # Sutton 05-007-0347; span 636-200- 10386). He is proposing to subdivide 10.16 acres from the original 41.76 acre homestead. The 10.16 acre portion has an existing 3-bedroom single family residence. The remaining 31.6 acre lot is not approved for construction at this time.

#### **FINDINGS OF FACT:**

Property is situated in the Town of Sutton on Nygren's Road.

The current zoning map shows the property as being zoned in the Rural (within 800 feet of Nygren's Road) and Woodlands and Recreation Districts (Tables 205.03 and 205.04 of Sutton Zoning Bylaw and Subdivision Regulations, August 23, 2005 revision).

The purpose of the Rural District is to provide for limited residential and compatible development in areas that are rural in character with agriculture and forestry as their primary use. These areas are generally served by adequate town roads and the soils and slopes are suitable for development at a moderate density.

Minimum lot area and dimension requirement in the Rural District is as follows:

Lot area	2 acres
Road frontage	300 feet
Setback from center of road	75 feet
Setback from side and rear lot lines	25 feet

Single family dwellings are a permitted use in the Rural District.

The purpose of the Woodlands and Recreation District is to protect the natural resource value of lands which are essentially undeveloped, lack direct access to public roads, are important for wildlife habitat, have potential forestry use, have one or more physical limitations to development, or include significant natural, recreational or scenic resources. No additional community facilities services will be provided in the areas in the future.

Lot area	10 acres
Road frontage	400 feet
Setback from center of road	75 feet
Setback from side and rear lot lines	25 feet

Applicant has notified abutting landowners in writing of plans and apprised them of the date/time of the public hearing. Note also that notice was published in the *Caledonian-Record* November 3<sup>rd</sup>, 2016 and posted in Sutton as required by law.

All paperwork/maps and the required fee of \$50 was submitted to the Town Clerk's Office more than 21 days in advance of this DRB hearing.

The original lot is 41.76 acres and applicant proposes to create two lots of 10.16 acres (with 844.65 feet road frontage on Nygren's Road), and 31.6 acres where access in accordance with bylaw Section 302 has been provided. Section 302 states: "Land development may be permitted on lots which do not have frontage either on a public road or public waters, provided that access through a permanent easement or right of way has been approved by the Planning Commission in accordance with the following standards: [and it goes on to specify them]."

The State of Vermont, Department of Environmental Conservation (DEC) has issued a wastewater and potable water supply system permit for the existing single family residence on the 10.16 acre lot. According to the DEC permit, the remaining 31.6 acre lot is not approved for construction at this time and similar permits will need to be obtained before a person may erect or construct any structure on the 31.6 acre lot.

### **Conclusions of Law:**

Kurt Nygren, as unrestricted owner of the property, has authority to apply to subdivide the property.

Based on Town of Sutton Zoning and Subdivision Regulations, prepared in accordance with 24 VSA, Section 4401, the proposed application conforms to subdivision standards and Paul saw no reason to enter a deliberative session.

Darlene moved to approve the application. Lucien seconded the motion. Motion passed. Kurt's subdivision application was therefore approved by the Sutton Development Review Board meeting in Sutton on November 17, 2016.

Kurt thanked the members of the DRB for their service to the town, took his leave, and the hearing adjourned

At 7:25 the meeting of the Planning Commission was convened.

Brandon read the minutes of PC meetings on 10-10-16. As there were no proposed additions or deletions, the minutes were accepted as written without exception. Brandon read the minutes of the informational meeting on 10-25-16. As there were no proposed additions or deletions, the minutes were accepted as written without exception. Brandon read the minutes of the 11-3-16 hearing. As there were no proposed additions or deletions, the minutes were accepted as written without exception.

The meeting then moved onto considering comments received during and after the information meeting and hearing.

A change was made to page 1 of the table of contents to make "Rural" district "Scenic." On page 11, line 40, for clarification "in addition to the existing lot" was inserted after "1 new lot" and on line 49 was added "Lots ineligible for Current Use enrollment may be developed in accordance with the maximum density."

Darlene presented her findings of several overlooked formatting errors. On page 16, line 22 a redundant "E." was removed. On page 22 line 3 a redundant "G." was removed. She asked if on page 23, line 3 in § 408 A., a section iii. reading "On-farm processing" should be present. Lucien confirmed that the PC has decided to omit it. Page 26, line 15 "As required by the state" should be inserted at the beginning of the sentence at i v. Page 47, line 33 "Where possible" should be inserted at the beginning of the sentence at C. On Page 51, line 8 "creates a demonstrated economic hardship" should be inserted after "welfare,"

Paul then distributed and entertained approval of a letter to the Selectboard submitting the draft bylaw amendment for their approval. Members of the PC expressed opinions that a Selectboard letter informing residents ahead of the Selectboard hearing would be beneficial. Paul will add a sentence to that effect and will enclose a proposed letter for the Board's consideration

The meeting concluded at 7:14 PM.

These minutes prepared by Brandon Mazur, secretary.